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P.05/08

Notice of Allowability

Application No.

10/821,831

Examiner

Ganapathy Krishnan

Applicant(s)

VACLE ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to July 11, 2007.
2. ☒ The allowed claim(s) is/are 11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-048) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.64(e)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheets should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-048)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

SHAOLIA ANINA JIANG, PH.D.
SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office
Form 27 (Rev. 08-03)

Notice of Allowability

Part of Paper No./Mail Date 20070718



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Application/Control Number: 10/821,631
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REASONS FOR ALLOWANCE

The closest prior art, Guzaev et al (Tetrahedron, 1995, 51(14), 9375-84) teaches a phosphoramidite (structure 4, at page 9377 of Guzaev) wherein phosphite moiety, which also has a cyanoethyl group and a 2,2,-bis(hydroxyethyl)malonate attached to it, is directly attached to a thymidine. The phosphoramidite 2', as instantly claimed in which the phosphite group is attached to a protected deoxythymidine at the 3' position, via a linker is neither taught or suggested by the prior art of record.

Any comments considered necessary by the applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Jeffery Wilson on July 18, 2007.

In the Amendments to the Claims of July 11, 2007, the terms, "Listing of Claims" has been replaced by the terms "We Claim".

Claims 1-10 have been cancelled.

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Any inquiry concerning this communication should be directed to Shaojia A. Jiang.

Supervisory Patent Examiner of Art Unit 1623 at 571-272-0627.



Examiner-Initiated Interview Summary

Application No. 10/821,631	Applicant(s) VAGLE ET AL.
Examiner Ganapathy Krishnan	Art Unit 1623

Status of Application: _____

All Participants:

- (1) Ganapathy Krishnan.
- (2) Mr. Jeffery Wilson.

(3) _____

(4) _____

Time: _____

Date of Interview: 18 July 2007

Type of Interview:

- ☒ Telephonic
- ☐ Video Conference
- ☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
If Yes, provide a brief description: _____

Part I.

Rejection(s) discussed: _____

Claims discussed: _____

Prior art documents discussed: _____

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

Informal the Attorney of record that Claim 11 is allowable and claims 1-10 should be cancelled instead of being withdrawn and requested cancellation of claims 1-10 via an examiner's amendment. Authorization for the said examiner's amendment was given

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

G. Krishnan
(Examiner/SPE Signature)

[Signature] 50.400
(Applicant's Representative Signature - if appropriate)